

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to Figure 1.

Attachment: Replacement sheet

### **REMARKS**

Applicant request further consideration and examination in view of the following remarks. Claims 1, 12 and 18 have been amended. Claims 1-20 are pending.

#### **Objection to the Information Disclosure Statement**

Applicant is re-submitting the IDS objected to by the Examiner. If the re-submitted IDS does not address the Examiner's concerns, Applicant respectfully requests that the Examiner more particularly state his objections to the IDS so that the Applicant may address the Examiner's specific concerns. The Examiner is invited to call the undersigned attorney if it would help in resolving any outstanding issues.

#### **Objection to the Drawings**

Applicant is amending the drawings as suggested by the Examiner. A replacement sheet is included with this Amendment.

#### **Claim Objections**

Applicant has amended the claims to remove the LO abbreviation, as suggested by the Examiner.

#### **Rejection under 35 U.S.C. § 103 (Okoshi in view of van Deventer)**

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 5,146,359 to Okoshi et al. (hereinafter "Okashi") in view of United States Patent Number 5,491,763 to van Deventer et al. (hereinafter "van Deventer").

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *see* M.P.E.P. § 2143. Without admitting that the first or second criteria are satisfied, the Applicant respectfully asserts that the Examiner's rejection fails to satisfy the third criteria.

Claim 1 requires a plurality of bandpass filters for bandpass filtering signals from said plurality of photodetectors, wherein said bandpass filters generate filtered signals to coincide with a low-intensity noise region of said optical signal. Claim 12 requires bandpass filtering signals from said photodetecting to generate filtered signals that correspond to a low intensity noise region of said optical signal. Claim 18 requires a plurality of filtering means for bandpass filtering signals from said plurality of photodetector means to generate filtered signals that coincide with a minimal intensity noise region of said optical signal.

The Examiner admits that Okoshi does not describe the above limitations in claims 1, 12 and 18. Office Action, page 4. Instead the Examiner relies upon van Deventer as describing these limitations. Applicant respectfully disagrees with the Examiner's characterization of van Deventer. van Deventer describes an optical hybrid circuit to provide higher throughput in a two detector receiver. Column 2, lines 12-15. The device described by van Deventer would correspond to element 11 in Okashi and is a purely optical device with optical inputs and optical outputs. See, column 1, lines 10-12, and column 5, lines 4-11.

Claim 1, however, requires that the bandpass filters filter signals from the plurality of photodetectors. The signal from the output of the photodetectors is no longer an optical signal, and as van Deventer's device is purely optical, any filter in van Deventer cannot meet the recited limitation in claim 1. Applicant would note that the Examiner has not cited any specific portions of van Deventer as describing the specific limitations of claims 1, 12, or 18. Instead, the Examiner only refers generally to van Deventer as having a plurality of amplifiers having the equivalent function to filters. If the Examiner maintains the interpretation of van Deventer in view of Applicant's argument, Applicant respectfully request that the Examiner identify the portions of van Deventer that correspond to the Examiner's assertions.

Claim 12 requires bandpass filtering signals from said photodetecting, and claim 18 requires filtering signals from the plurality of photodetector means. Again, nothing in van Deventer's optical device can correspond to these limitations for the reasons described with respect to claim 1.

As the combination put forth by the Examiner does not describe each and every limitation in claims 1, 12 or 18, for at least the reasons set forth above, claims 1, 12 and 18 are allowable over rejection of record.

Claims 2-11, 13-17 and 19-20 depend directly from either claim 1, claim 12 or claim 18 and therefore inherit all the limitations thereof. Claims 2-11, 13-17 and 19-20 are, therefore, allowable for at least the reasons set forth with respect to claims 1, 12 or 18.

### **Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-1078, under Order No. 10021209-1 from which the undersigned is authorized to draw.

Dated: May 24, 2006

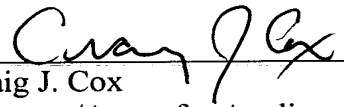
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568256484 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Dated: May 24, 2006

Signature:   
Jan Cleveland

Attachments

Respectfully submitted,

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**REPLACEMENT SHEET**